



**SELECT BOARD
MEETING MINUTES
AUGUST 21, 2018**

1.0 CALL TO ORDER: 6:00PM

Meeting called to order at 6:00pm.

1.1 Roll Call of Members

Members present: Charles L. Waite, III, Chair
John M. Daley, Vice Chair
Richard A. Dolliver
Madeline S. Mooney

Members absent: Robert N. Winn, Jr.

Motion made by Richard Dolliver and second by Madeline Mooney to excuse the absence of Robert Winn, Jr. from the Select Board meeting; approved 4-0.

Others present: Patricia A. Finnigan, Town Manager

1.2 Pledge of Allegiance

The Pledge of Allegiance was recited by some in attendance.

1.3 Select Board Minutes - August 7, 2018

Motion made by Richard Dolliver and second by Madeline Mooney to approve the minutes the August 7, 2018 Select Board meeting as amended; approved 4-0, Winn absent.

2.0 LIQUOR AND AMUSEMENT LICENSE PUBLIC HEARINGS

There was no Liquor or Amusement Licenses that required action.

3.0 TOWN MANAGER'S REPORT

We are in the busy, busy season of summer so the staff has been out and about. A few things to note:

- The Marginal Way Committee had a very successful pod picking day last weekend. Would like to thank the members of the Marginal Way Committee who volunteered their time to address the invasive species.
- Had a visit from FEMA to talk about the damages last winter (March). FEMA representatives have been going around town looking at all the areas that have been damaged.
- Parks & Recreation is very busy. The "Music in the Park" program continues, they are getting ready for the Sand Castle Contest on Labor Day Weekend and the culmination of "Music in the Park" with the *Platters* at the Leavitt Theatre.
- Ogunquit Performing Arts "Capriccio" event will kick off Labor Day Weekend.
- Commented on the car fire on Route One where all the departments (Code Enforcement, Public Works, Police and Fire Departments) worked together during this event. Teamwork is very important to the town.
- Tomorrow, August 22nd at 2:00pm there will be a Memorial Service for Bill Baker. This will be open to the public.

4.0 PUBLIC HEARINGS

There were no Public Hearings scheduled.

5.0 COMMITTEE APPOINTMENTS & RESIGNATIONS

5.1 Resignation of Jerry Dehart- from the Historic Preservation Commission

Selectman Dolliver read Mr. DeHart's resignation letter for the record.

082118-01 Motion made by Richard Dolliver and second by John Daley to accept, with regrets, the resignation of Jerry DeHart as a member of the Historic Preservation Commission; approved 4-0, Winn absent.

5.2 Appointment of Marsha Northrup - as Member of the Historic Preservation Commission (formerly 1st Alternate)

082118-02 Motion made by Richard Dolliver and second by Madeline Mooney to appoint Marsha Northrup as a Full Member of the Historic

Preservation Commission, term to expire June 30, 2020; approved 4-0, Winn absent

5.3 Appointment of Kerry Ellen Enright - as 1st Alternate of the Historic Preservation Commission (formerly 2nd Alternate)

Motion made by and second by to appoint Kerry Ellen Enright as 1st Alternate of the Historic Preservation Commission, term to expire June 30, 2019; approved 4-0, Winn absent.

5.4 Review and Appointment of Select Board Liaisons

The Select Board has met with all committees in an effort to have good working relationships and to ensure that are working in the same direction on behalf of the citizens and the betterment of our community. One way to improve communications and information sharing is for the Select Board to be a liaison to each committee. The Select Board Liaison can keep the committee informed and the Select Board Liaison reports the committee's activities as part of the Select Board reports. The Marginal Way Committee has requested a liaison as this point.

082118-04 Motion made by John Daley and second by Richard Dolliver to appoint Charles Waite, III as Liaison to the Marginal Way Committee; approved 4-0, Winn absent.

Bike-Ped Committee	Robert Winn, Jr.
Budget Review Committee	John Daley
Conservation Commission	Madeline Mooney
Harbor Committee	Richard Dolliver
Historic Preservation Commission	Madeline Mooney
Marginal Way Committee	Charles Waite, III
Parks & Recreation Committee	Charles Waite, III
Performing Arts Committee	Charles Waite, III

6.0 **PRESENTATIONS, PROCLAMATIONS, RESOLUTIONS & COMMUNICATIONS**

There were no presentations, proclamations, resolutions or communications that required Select Board action.

7.0 **UNFINISHED BUSINESS**

There was no unfinished business for Select Board action.

8.0 NEW BUSINESS

8.1 Select Board Approval of the 18th Annual Ogunquit Beach Lobster Dash

Charlie Farrington was in attendance to review the event. It will be held on Saturday, September 15, 2018 at the Main Beach in Ogunquit. This is a 5 mile race on Ogunquit Beach which usually draws 250 to 275 runners. It is a fundraiser for three charities: the Ogunquit Playhouse Children’s Theater Scholarships, the Gumbinner Scholarship Fund and Ogunquit Parks & Recreation Department.

Mr. Farrington was present to ask for approval of the race and for complimentary parking, which has been provided to them every year.

082118-05 Motion made by Richard Dolliver and second by Madeline Mooney to give permission to hold the 18th Annual Ogunquit Beach Lobster Dash on September 15, 2018 at the Main Beach; approved 4-0, Winn absent.

8.2 Select Board Award of the Bid for the Public Works Department Dump Truck

In June the Town Meeting approved funding to purchase a new Dump Truck with Plow and Sander. The truck will replace the oldest truck in the fleet which is a 2005. The Town received competitive bids from three companies for the truck and three separate bids for the plow and sander. The approved budget for the truck and equipment was \$75,000. Staff recommends that the bid be awarded to Arundel Ford for the truck (\$47,331) or \$35,311 after the trade in and to H.P. Fairfield, Inc. for the plow and sander equipment (including a stainless steel body) for \$34,929; for a total cost of \$70,240.

<u>Vendor</u>	<u>Year</u>	<u>Model</u>		<u>Truck Price</u>	<u>Trade In</u>	<u>Total w/trade-in</u>	<u>W. A. Messer</u>	<u>H.P. Fairfield</u>	<u>Viking-Cives</u>	<u>Total</u>
Key Ford	2019	F550	XLT	48,094	11,500	36,594	39,500			76,094
						36,594		32,929		69,523
						36,594			35,155	71,749
Rowe Ford	2019	F550	XLT	49,904	10,800	39,104		34,929		74,033
						39,104			37,955	77,059
						39,104	39,500			78,604
Arundel	2019	F550	XLT			35,311		32,929		68,240

Ford				47,311	12,000		
	2019	F550	XL	46,378		34,378	32,929
	2019	F550	XLT	47,331		35,331	39,500
	2019	F550	XL	46,379		34,379	39,500
Viking-Cives							35,155
HP							
Fairfield							32,929

082118-06 Motion made by Madeline Mooney and second by Richard Dolliver to accept the staff recommendation to award the bid for the Plow, Truck and Sander to Arundel Ford and H.P. Fairfield, Inc. for a total price of \$70,240; approved 4-0, Winn absent.

082118-07 Motion made by John Daley and second by Richard Dolliver to open 8.3 and 8.4 up together instead of individually for public comment; approved 4-0, Winn absent.

8.3 Presentation of a Citizens Initiative Petition to Approve the Comprehensive Plan Revision "Shall the municipality approve and adopt the Ogunquit Comprehensive Plan revision, dated August 10th, 2018, superseding the 2004 Comprehensive plan. A copy of said plan is available in the Town Clerk's Office for inspection, use and examination by the Public. This Warrant Article is by Petition of Voters."

A group of citizens has submitted a petition to have the Ogunquit Comprehensive Plan voted on at a Special Town Meeting in November. The Town Clerk has certified that the petitions have been submitted with a sufficient number of signatures to have this on the Town Meeting Warrant.

Newell Perkins, lead petitioner, was in attendance to review the Comprehensive Plan process. He stated that along with him the following people participated in a two year long review of the current Comprehensive Plan: Steve Wilkos (Chair), Carole Aaron (Secretary), Kirk Lavoie (Technical Specialist), Boriana Dolliver, Louesa Gillespie, Ben Hershenson, Peter Kahn, Charley LaFlamme, Janel Lundgren, Sarah Potter and former members Karen Arel, Roger Brown, Mark MacLeod and Bill Woods.

Under the guidance of Lee Jay Feldman and Cathy Conner (SMPDC) the committee created a 55 question survey for the public to express their input on the direction the town should go in for the future. Along with the Ogunquit CEO Scott Heyland, Administrative Assistant Maryann Stacy, Fire Chief Mark O'Brien, Select Board member Barbara Dailey and later Select Board member Richard Dolliver, the

committee held twice monthly meetings over a span of 20 months, which was a total of 875 volunteer hours; true dedication by the volunteers for the betterment of Ogunquit.

As the committee neared the final days that would allow the completed body of work by the committee to be put forth to the voters at the November 6, 2018 Special Town Meeting, Mr. Perkins felt that there was discontent from elected officials.

Mr. Perkins stated that 144 Ogunquit voters agreed that the Revised Comprehensive Plan should go before all voters at the November 6, 2018 election to accept the plan or reject the plan in its entirety.

Mr. Perkins asked the Select Board to accept the petition in the spirit that it is given.

Marsha Northrup, (?)

- Comments regarding the actions that the Comprehensive Plan Committee took to get the plan before the voters and the problems within the plan itself.

Carole Aaron, 136 Pine Hill North

- Stated that she was a member of the Comprehensive Plan Committee and has spent the last 2 $\frac{1}{2}$ years working on it.
- Reviewed the process the committee went through to create a road map for the town.
- Comments regarding citizen's right to vote on the completed document.

Rebecca Fox, 21 Marginal Avenue

- Comments regarding the Comprehensive Plan Committee meetings and public participation.
- Stated that more work is required to be done to ensure a better process and an improved document before it is put in place.

Mark MacLeod, 57 Bayview

- If wait for document to be perfect, will never have a document.
- No two people will ever agree on everything, so if you wait for everyone in town to agree on a perfect document, will never have a document.
- It is time to put on the ballot for the voters to decide.

Kirk Lavoie, Glen Avenue

- Member of the Comprehensive Plan Committee

- The plan is a guideline, it is a blueprint, and it is not concrete and is amendable anytime.
- As a starting point it gives a vision and a plan for the future.
- Many adjustments were made on the input that was received from the Public Hearings.

Barbara Ferraro, resident

- Appreciates the hours that were spent, but if not correct...
- Reviewed the petition process that the Select Board may follow.
- Comments on weekly rentals and the problems it has created.
- Asked the Select Board to stop the process and take seriously the concerns raised.

Wendy Levine, 85 Obeds Lane

- Read a letter from Patience Sundaresan who could not be present. Comments regarding the new proposed Comprehensive Plan.

Ben Hershenson, Myrtle Circle

- Comments regarding democracy, opinions and voters; what are we really asking about? Are the voters going to be deprived of their opinion?

Margaret Malumphy, 45 Green Needle Lane

- All wanted to say is "what is the rush". Would like thoughtful debate, discussion. Does this have to go to town meeting in November?

Jim Hartwell, resident

- What's the hurry? The Comprehensive Plan is a very important diagram for the future of the community.
- More time will not negatively impact the Comprehensive Plan, but may enhance it.
- Appreciates the time and effort that was put into the Comprehensive Plan.
- Comments regarding "contract zoning" that is in the Comprehensive Plan.

Wendy Levine, 85 Obeds Lane

- Asked if the citizen's petition, which will be on the November ballot, will it negate any Select Board vote?
- Read the rest of Patience's letter, her comments regarding the Implementation Committee which was noted in the Comprehensive Plan.

082118-08 Motion made by Richard Dolliver and second by Madeline Mooney to receive the Citizen's Initiative Petition and put this question "Shall the municipality approve and adopt the Ogunquit Comprehensive Plan revision, dated August

10th, 2018, superseding the 2004 Comprehensive plan on the November Special Town Meeting Warrant"; approved 4-0, Winn absent.

8.4 Request from the Ogunquit Comprehensive Plan Committee to have the Amended Comprehensive Plan presented to the Voters at the Special Town Meeting on November 6, 2018

The Select Board held a joint workshop on July 31, 2018 with the Comprehensive Plan Committee to discuss the proposed Comprehensive Plan.

082118-09 Motion made by Richard Dolliver and second by John Daley to receive the Comprehensive Plan from the Comprehensive Plan Committee, disbands the ADHOC Committee and thanks them for their work on the Comprehensive Plan; approved 4-0, Winn absent.

8.5 Request from the Planning Board to have the following Zoning Ordinance Amendments presented to the Voters at the Special Town Meeting on November 6, 2018:

Scott Heyland, Code Enforcement Officer, was in attendance to explain the amendments.

1. Amendment to the Ogunquit Zoning Ordinance, Article 2 Definitions - Expansion of a Structure.

The Planning Board met on August 13th to consider the amendment which pertains to expanding a structure. The amendment defines the expansion as enlarging the footprint as well as the height of the structure. The Planning Board recommends this.

082118-10 Motion made by Richard Dolliver and second by Madeline Mooney to have an article on the November Special Town Meeting ballot which defines the expansion of a structure as recommended by the Planning Board; approved 4-0, Winn absent.

2. Amendment to the Ogunquit Zoning Ordinance, Article 6, Section 6.6.E.4 - Establishing a time frame within which a denied application may return to the Planning Board.

082118-11 Motion made by Richard Dolliver and second by Madeline Mooney to have an article on the November Special Town Meeting warrant

regarding how soon an applicant which has been denied be brought back to the Planning Board; approved 4-0, Winn absent.

3. Amendment to the Ogunquit Zoning Ordinance, Article 6, Section 6.6.E.5 - To establish a time frame by which an active application may remain in tabled status.

082118-12 Motion made by Richard Dolliver and second by John Daley to have an article on the November Special Town Meeting warrant to amend the Ogunquit Zoning Ordinance regarding tabled items as recommended by the Planning Board; approved 4-0, Winn absent.

4. Amendment to the Ogunquit Zoning Ordinance, Article 9.15.P.6 - Shoreland Zoning Standards.

082118-13 Motion made by Richard Dolliver and second by John Daley to have an article on the November Special Town Meeting warrant to amend Shoreland Zone regarding excavation and erosion control as recommended by the Planning Board; approved 4-0, Winn absent.

- 8.6 Consideration of a Warrant Article for the Transfer of \$28,550 to the Natural Disaster Emergency Repair Fund as Reimbursement from \$30,000 raised by Article 70 of the 2018 Annual Town Meeting and the Transfer of the remaining \$1,450 to the General Fund

One half of the Wharf Lane Bridge was replaced a few years ago the other half of the bridge was scheduled to be replaced this year. Funding was included in the FY 2018-2019 Budget to do those repairs. However, during the spring Nor'easter the bridge was heavily damaged and dangerous. In order to get the bridge back in service, the Select Board held a public hearing and authorized the use of the Natural Disaster Emergency Repair Fund to repair the bridge. In June, funding was approved by the Town Meeting. The purpose of this article is to replenish the Natural Disaster Emergency Repair Fund.

082118-14 Motion made by Richard Dolliver and second by Madeline Mooney to place this article on the November Special Town Meeting warrant; approved 4-0, Winn absent.

- 8.7 Consideration of Amendments to the Business Registration Ordinance (Title IX, Business Ordinance, Chapter 9 - Business Registrations)

The Business Registration Ordinance requires that all businesses in Ogunquit register with the Town. This is a way for the Town to have a list of all the active businesses in the Town and inspect them to ensure they are complying with Life Safety Codes and have current contact information and have a way to know if the business is paying their real estate tax and personal property taxes as appropriate. The proposed amendments are intended to streamline the staff administration and allow us to issue the certificates to the businesses more quickly.

082118-15 Motion made by Richard Dolliver and second by Madeline Mooney to place the proposed amendments to the Business Registration Ordinance on the November Special Town Meeting warrant; approved 4-0, Winn absent.

8.8 Consideration of Amendments to Title IV, Public Resources and Conservation Ordinance, Chapter 4 - Beaches as it relates to fines and penalties for trespassing in the dunes and dogs on the Beach and in the Estuary

This has been a problem for years as we all know. The Conservation Commission has strongly recommended that the fines be increased defer people from trespassing.

Peter Kahn, Tern Street

- Read a letter from Margie Katz, 7 Lilywood Lane, regarding improvement of beach signs and fines.
1. Increase the fine for trespassing in the dunes from \$50 to \$100 for the first violation and \$200 for each subsequent violation.

Doug Mayer, Conservation Commission

- Before you consider signage, you have to pass an ordinance setting what the fines are and then you can print the signs that reflect what the fines are.
- For the vast majority of the summer beach population if you explain what the ordinances are they have been very accommodating so rather than fines there have been warnings.

082118-16 Motion made by Madeline Mooney and second by John Daley to increase the fine for trespassing in the dunes to \$200 for each violation; approved 4-0, Winn absent.

2. Increase the fine for dog violations o Ogunquit Beach between April 1 and September 8 to \$200 for each violation.

The Town prohibits dogs from being on the beach at certain times of the year. When the Animal Control Officer and other Town Officials tell people to take the dog off the beach or they will be fined, many say that they will pay the fine. The fine currently is from \$25 to \$100 which has not been a deterrent. The Conservation Commission has recommended that the fine be increased to \$200.

082118-17 Motion made by Richard Dolliver and second by Madeline Mooney to have an article on the November Town Meeting Warrant to increase the fines for dogs being on the beach during certain times of the year; approved 4-0, Winn absent.

3. Increase the fine for any dog violation in the Estuary to \$200 for each violation.

The Town prohibits dogs from being in the estuary area. This prohibition is year round all the time. The fine currently is from \$25 to \$100 which has not been a deterrent.

082118-18 Motion made by Richard Dolliver and second by Madeline Mooney to have an article on the November Town Meeting Warrant to increase the fine for dogs being in the estuary area of Ogunquit Beach to \$200; approved 4-0, Winn absent.

9.0 CITIZEN COMMENTS (For town topics not on the agenda)

The Select Board welcomes public comments and questions about Town-related issues that are not on the agenda. We ask that people keep comments on point and within 3 minutes.

Boriana Dolliver, 331 Shore Road

- What is the procedure when sending an e-mail to the Town Manager or the Select Board? Do you respond? Keep sending e-mails but do not get an answer.
- What is the timeline for the OVS project?

Pam Lynch, School Street

- Asked about all the committee meeting minutes be available on the website, can this be done sooner rather than later.
- Jordan Freedman, Information Services Director, explained where to find the minutes for all non-governing boards and committees.

10.0 OTHER BUSINESS

10.1 Select Board Reports and Announcements

Selectman Dolliver

- Stated that at the last meeting that the RFP for the bathrooms had gone out the prior Tuesday; is that specifically for the bathrooms or is it the RFP for the general engineering firms. Could not find anything on the website about the bathroom RFP.
- Comments regarding the Ogunquit Sewer District.
- Comments about weekly rentals and Airbnb.

Selectman Daley

- Suggested that the liaison to the committee's keep track of the minutes and reach out to the respective board or committee to make that that are being kept up to date.

Chair Waite

- Thanked everyone for coming this evening.
- Mentioned the joint public hearing that was held between the Ogunquit Sewer District and the Town in February. The Chair once again requests a letter addressing those questions asked at the joint public hearing and should be sent to the OSD to answer.

11.0 ADJOURNMENT

Motion made by Richard Dolliver and second by Madeline Mooney to adjourn the meeting at 8:08pm; approved 4-0, Winn absent.

Respectfully submitted,

Cheryl L. Emery, Administrative Assistant to the Town Manager